

## United States Senate

February 6, 2017

The Honorable David Shulkin  
Undersecretary for Health  
U.S. Department of Veterans Affairs  
810 Vermont Avenue  
Washington, DC 20571

Dear Undersecretary Shulkin:

As the Senate continues to consider your nomination to be Secretary of the Department of Veterans Affairs (VA), I write to obtain your views on the future of the Veterans Choice Program, particularly as it relates to the VA's plans to consolidate community health care programs to improve veterans' access to timely and quality care. I hope you agree that any changes to community care for our veterans must include the flexibility and increased access to care offered by the Veterans Choice Program.

As you know, in the wake of the scandal in care that erupted at the Phoenix VA and spread nationwide, Congress passed and President Obama signed into law the *Veterans Access, Choice and Accountability Act*. This legislation created the Veterans Choice Program to enable veterans living far from a VA facility or experiencing unreasonable wait times to access care from a community provider. Under this law, the VA was required to implement this national program in under 90 days—an unprecedented task that subjected the program to some growing pains. I am, however, pleased to report that, since its rollout, the program's performance improved dramatically. To date, 7 million appointments have been made for veterans in their communities, and over 1.5 million veterans have benefitted from using the Choice Card. The program has been an overall success.

But, the Veterans Choice Program is set to expire on August 7, 2017. I understand that the VA has already begun limiting care under the Veterans Choice Program for veterans whose treatments would extend beyond this date. I also understand that the VA's new plan for community care, the Community Care Network, will not be fully operational until June 2018. Given this timeframe, I am concerned that veterans nationwide may encounter significant lapses in care.

Against this backdrop, I ask that you provide the answers to the following questions:

1. Although, during your confirmation hearing earlier this month before the Senate Veterans Affairs Committee, you noted that the Veterans Choice Program was in "disarray," you correctly observed that this finding was limited to how the program performed soon after it was established—between November 2014 and September 2015. You also noted that, since then, the VA "completely changed" how the program was administered and that those improvements resulted in "a much, much different program [ ] today [whereby] more veterans were able to schedule appointments [resulting in] over 1 million veterans [using] the Choice

Program [or] 6 million appointments.” You concluded that this outcome was “a good thing.” Moreover, on September 14, 2016, in testimony before the Senate Veterans Affairs Committee, you correctly noted that “without reauthorization [of the Veterans Choice Program], we are going to see us actually go backwards. Because we’ve now reached [millions of] choice appointments[,] this program should be congratulated. We’re just getting it to work—reauthorization is absolutely a priority for us.” During that same hearing, you were also asked about contingency planning for Choice expiring. In response, you noted, “We spend about \$13 billion a year in the community; 22 percent of our care goes out in the community--\$4 billion of that is the Choice Program. So we would have to reduce access to care by about one-third in the community and that would hurt veterans...there’s no substitute for what you’ve provided in the Choice Program.”

- a. Do you agree that in order to ensure that veterans never again experience unending wait-times for appointments or poor quality of care that it will require making the Veterans Choice Program a *permanent* fixture of VA community care? If confirmed, what would you do to ensure this result?
  - b. Do you support making the Veterans Choice Program *universal*? If confirmed, what would you do to ensure this result?
  - c. If confirmed, will reauthorization of the Choice Card Program still be a priority for you? If so, how would you ensure that budget resources are properly aligned with this priority?
  - d. Last month, I introduced the *Veterans Choice Continuation Act* to remove the current sunset date for the Veterans Choice Program and allow the program to continue until the funds Congress originally allocated expire. I believe this legislation is critical to ensuring veterans currently using the Choice Card do not experience a lapse in care. Do you support preserving the Veterans Choice Program using the funds that were originally allocated for it?
2. During your nomination hearing, you identified third-party administrators as a “layer of complexity [that] needs [to come] out,” which would allow the VA to “take back [ ] customer service and the scheduling.”
  - a. If confirmed, how would you do this without reverting to the pre-scandal days in which veterans endured unending wait-times and scheduling anomalies?
3. Any proposal to consolidate community care programs into an integrated network will create an opportunity for the VA to further propagate its own bureaucracy and, if improperly designed, reduce veterans’ access to care in favor of “business as usual.”
  - a. Do you agree that any proposal to consolidate community care, under the Community Care Network or any similar initiative, should include the flexibility and increased access to care offered by the Veterans Choice Program and leverage the existing Veterans Choice Program infrastructure?

4. If confirmed, what authorities, if any, would you need to properly and expeditiously hold VA personnel who have been found to have engaged in mismanagement and misconduct fully accountable for their wrongdoing?
5. If confirmed, would you work with the Justice Department to implement expedited removal authority for Senior Executive Service (SES) employees provided under the *Veterans Access, Choice and Accountability Act*?
6. If confirmed, what authorities, if any, would you need to better protect VA employee whistleblowers from retaliation or reprisal?

I hope that you agree that the VA Secretary should utilize the most effective means to consolidate, integrate and streamline the delivery of care, including the Veterans Choice Program.

I look forward to your timely response.

Sincerely,

A handwritten signature in blue ink that reads "John McCain". The signature is fluid and cursive, with the first name "John" and last name "McCain" clearly distinguishable.

John McCain  
United States Senator